REMARKS/ARGUMENTS

Applicants appreciate the thorough examination of the present application, as evidenced by the first Official Action. The Official Action rejects Claims 1-5, 7, 8, 10, 14-20, 22, 23, 25, 29-35, 37, 38, 40, 44-50, 52, 53, 55 and 59 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0133923 to Watson et al. The Official Action then rejects Claims 6, 12, 13, 21, 27, 28, 36, 42, 43, 51, 57 and 58 under 35 U.S.C. § 103(a) as being unpatentable over Watson, in view of U.S. Patent Application Publication No. 2003/0066090 to Traw et al.; and rejects the remaining claims, namely Claims 9, 11, 24, 26, 39, 41, 54 and 56, as being unpatentable over Watson, in view of U.S. Patent No. 7,020,893 to Connelly et al. As explained below, Applicants respectfully submit that the claimed invention is patentably distinct from Watson, Traw and Connelly, taken individually or in any proper combination. Nonetheless, Applicants have amended various ones of the claims to further clarify the claimed invention, including cancelling dependent Claims 19, 34 and 49. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

A. Consideration of Previously Submitted Information Disclosure Statement

It is noted that an initialed copy of the PTO Form 1449 that was submitted with Applicants' Information Disclosure Statement filed October 31, 2003, has not been returned to Applicants' representative with the Office Action. Accordingly, it is requested that an initialed copy of the Form 1449 be forwarded to the undersigned with the next communication from the PTO.

B. Claims 1-5, 7, 8, 10, 14-20, 22, 23, 25, 29-35, 37, 38, 40, 44-50, 52, 53, 55 and 59 are Patentable

The first Official Action rejects Claims 1-5, 7, 8, 10, 14-20, 22, 23, 25, 29-35, 37, 38, 40, 44-50, 52, 53, 55 and 59 as being anticipated by Watson. According to one aspect of the present invention, as reflected by amended independent Claim 1, a system is provided that includes a content source and a terminal. As recited, the content source includes a continuity server

configured to maintain one or more pieces of content and a schedule, where the schedule specifies at least one scheduled time for broadcast of the piece(s) of content by the content source, and the content source is configured to broadcast the piece(s) of content in accordance with the schedule. As also recited, the terminal is configured to store, in a memory, one or more pieces of pre-broadcast content comprising the same piece(s) of content maintained by the continuity server. In this regard, the terminal is configured to access one or more pieces of pre-broadcast content from the memory no sooner than the scheduled time for broadcast of the same piece(s) of content, and thereafter present the accessed piece(s) of pre-broadcast content consistent with the scheduled time for broadcast of the same piece(s) of content by the content source.

1. Broadcast Schedule

In contrast to amended independent Claim 1, Watson (as well as Traw and Connelly) does not teach or suggest a system for providing broadcast content, whereby a content source maintains a schedule specifying a scheduled time for broadcast of a piece of content, and a terminal receives and stores (in memory) pre-broadcast content, and accesses that content no sooner than the scheduled time for broadcast of the same piece of content. Briefly, Watson discloses a digital home movie library for an on-demand movie service. And in this regard, Watson may disclose a digital asset management system that schedules when a movie is to be transmitted to a set-top box. Nonetheless, Watson does not teach or suggest that a transmitted movie is accessed from memory of the set-top box in no sooner than a scheduled broadcast time of that movie, similar to the pre-broadcast content of amended independent Claim 1. Watson also discloses setting a start date at which time a transmitted movie may be accessed from the set-top box. Even given this disclosure, however, this start date does not correspond to a schedule specifying a broadcast time for that movie, similar to the schedule of amended independent Claim 1.

In citing Watson for disclosing the recited schedule, the Official Action cites a passage of Watson disclosing that a movie may be transmitted to the set-top box several times to ensure that the movie is received by the set-top box in its entirety. Applicants respectfully submit, however,

that repetitively transmitting a movie does not in fact correspond to a schedule for a movie's broadcast, similar to the schedule of amended independent Claim 1. And moreover, repetitively transmitting a movie does not correspond to a schedule including a scheduled time for not only broadcasting the content by its source, but also constraining its access from memory of a terminal that stored the content, also similar to amended independent Claim 1.

2. Access from Memory as Content Broadcast

In further contrast to amended independent Claim 1, Watson (as well as Traw and Connelly) does not teach or suggest a system for providing broadcast content, whereby a terminal receiving and storing (in memory) pre-broadcast content is configured to access that content (from memory), and present the content consistent with a scheduled time for broadcast of the same content by a content source. In asserting Watson discloses a similar feature of former independent Claim 1, the Official Action alleges that "A movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until a later date, 0182; that means the users will be able to view the movie according to the schedule of the headend." Official Action of March 24, 2008, page 3. Even if Watson does disclose a start date specifying a date upon which a stored movie may be accessed, this start date does not have any relation to broadcast of that same movie, similar to the timing of presenting content according to amended independent Claim 1. That is, amended independent Claim 1 recites a terminal presenting content (accessed from memory) consistent with the scheduled time for broadcast of the same content by a content source. And even if one could argue that Watson discloses a start date specifying presentation of a stored movie, Watson still does not teach or suggest that the movie is presented consistent with a scheduled broadcast of that same movie by a content source.

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2-14, is patentably distinct from Watson. Applicants also respectfully submit that amended independent Claims 15, 30 and 45 recite subject matter similar to that of amended independent Claim 1, including the aforementioned schedule, and presenting content (accessed from memory) as that same content consistent with the scheduled time for broadcast of

the same content by a content source. As such, Applicants respectfully submit that amended independent Claims 15, 30 and 45, and by dependency Claims 16-18, 20-29, 31-33, 35-44, 46-48 and 50-59, are also patentably distinct from Watson for at least the reasons given above with respect to amended independent Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-5, 7, 8, 10, 14-18, 20, 22, 23, 25, 29-33, 35, 37, 38, 40, 44-48, 50, 52, 53, 55 and 59 as being anticipated by Watson is overcome (or rendered moot by virtue of the cancellation of Claims 19, 34 and 49).

C. Claims 6, 12, 13, 21, 27, 28, 36, 42, 43, 51, 57 and 58 are Patentable

The Official Action rejects Claims 6, 12, 13, 21, 27, 28, 36, 42, 43, 51, 57 and 58 as being unpatentable over Watson, in view of Traw. As explained above, amended independent Claims 1, 15, 30 and 45, and by dependency Claims 2-14, 16-29, 31-44 and 46-59, are patentably distinct from Watson. Applicants respectfully submit that Traw does not cure the deficiencies of Watson. That is, even considering Traw, neither Watson nor Traw, taken individually or in any proper combination, teach or suggest the aforementioned schedule, and presenting content (accessed from memory) consistent with the scheduled time for broadcast of the same content, as per amended independent Claims 1, 15, 30 and 45. Applicants therefore respectfully submit that amended independent Claims 1, 15, 30 and 45, and by dependency Claims 2-14, 16-29, 31-44 and 46-59, are patentably distinct from Watson, in view of Traw.

For at least the foregoing reasons, Applicants submit that the rejection of Claims 6, 12, 13, 21, 27, 28, 36, 42, 43, 51, 57 and 58 as being unpatentable over Watson, in view of Traw, is overcome.

D. Claims 9, 11, 24, 26, 39, 41, 54 and 56 are Patentable

The Official Action rejects Claims 9, 11, 24, 26, 39, 41, 54 and 56 as being unpatentable over Watson, in view of Connelly. As explained above, amended independent Claims 1, 15, 30 and 45, and by dependency Claims 2-14, 16-29, 31-44 and 46-59, are patentably distinct from Watson. Applicants respectfully submit that Connelly does not cure the deficiencies of Watson.

That is, even considering Connelly, neither Watson nor Connelly, taken individually or in any proper combination, teach or suggest the aforementioned schedule, and presenting content (accessed from memory) consistent with the scheduled time for broadcast of the same content, as per amended independent Claims 1, 15, 30 and 45. Applicants therefore respectfully submit that amended independent Claims 1, 15, 30 and 45, and by dependency Claims 2-14, 16-29, 31-44 and 46-59, are patentably distinct from Watson, in view of Connelly.

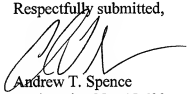
For at least the foregoing reasons, Applicants submit that the rejection of Claims 9, 11, 24, 26, 39, 41, 54 and 56 as being unpatentable over Watson, in view of Connelly, is overcome.

CONCLUSION

In view of the amendments to the claims, and the remarks presented herein, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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